

DRAFT ST. MARYS KINGS BAY JLUS DRONE ORDINANCE
ORDINANCE NO. _____

An ordinance adding **Section 56.31 to Article 6 of Chapter V** of the St. Marys Municipal Code to impose community-based safety requirements on the operation of Model Aircraft and to impose restrictions consistent with certain **Federal Aviation Administration (FAA) Rules and the nationwide Community-Based Organization (CBO) Academy of Modeler Aeronautics (AMA)** ~~Federal Aviation Rules~~ on the operation of both Model Aircraft and Civil Unmanned Aircraft Systems (UASs), commonly known as drones.

The statutory parameters of model aircraft operation are outlined in Section 336 of Public Law 112-95 (the FAA Modernization and Reform Act of 2012). Individuals who fly within the scope of these parameters do not require permission to operate their UAS; any flight outside these parameters (including any non-hobby, non-recreational operation) requires FAA authorization. (For example, using a UAS to take photos for your personal use is recreational; using the same device to take photographs or videos for compensation or sale to another individual would be considered a non-recreational operation).

It is highly recommended that anyone who is currently flying or is interested in flying a UAS (Radio Control Plane or Drone) visit the following websites: FAA (<http://www.faa.gov/usa/>), Know Before You Fly (<http://www.knowbeforeyoufly.org/>), and AMA (<http://www.modelaircraft.org/>)

WHEREAS, the operation of Unmanned Aircraft such as Model Aircraft and Civil UASs can at times pose a hazard to full-scale aircraft in flight and to persons and property on the ground; and

WHEREAS, imposing community-based safety requirements on the operation of Model Aircraft and imposing restrictions on the operation of both Model Aircraft and Civil UASs consistent with Federal Aviation Rules is necessary to mitigate such risks and to protect the public from the hazards associated with the operation of Unmanned Aircraft; and

WHEREAS, the City of St. Marys is neighbor to Kings Bay Submarine Base, and respects the sensitive national security needs of their area of operation and demands vigilance on behalf of their community partners with respect to their mission; and

WHEREAS, Kings Bay Submarine Base is marked as a “No Drone Zone”, considered a Prohibited Area, and Special Flight Rule Area as defined on charts available at http://www.faa.gov/air_traffic/flight_info/aeronav/ ; and

WHEREAS, the Kings Bay Submarine Base serves as a vital economic resource of the region and any encroachment represents a threat to regional stability and the welfare of St. Marys citizens.

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF ST. MARYS
DO ORDAIN AS FOLLOWS:

Section 1. A new **Section 56.31** is added to Article 6 of Chapter V of the St. Marys Municipal Code to read as follows:

SEC. 56.31. UNMANNED AIRCRAFT SYSTEMS.

(a) For purposes of this section:

1. “Unmanned Aircraft” shall mean an aircraft, including, but not limited to, an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft.

2. “Unmanned Aircraft System” shall mean an Unmanned Aircraft and associated elements, including, but not limited to, any communication links and components that control the Unmanned Aircraft.

3. “Person” shall have the same meaning as set forth in **Subsection (a) of Section 11.01** of this Code.

4. “Model Aircraft” shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any Person strictly for hobby or recreational purposes.

5. “Civil UAS” shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any Person for any purposes other than strictly hobby or recreational purposes, including, but not limited to, commercial purposes or in furtherance of, or incidental to, any business or media service or agency.

6. “Public UAS” shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any public agency for government related purposes.

7. “Military Land Use Notification Area” shall mean the 3000 foot buffer area measured from the property boundary of the Kings Bay Submarine Base.

(b) The following shall apply to the operation of any Model Aircraft within the City of St. Marys:

1. No Person shall operate any Model Aircraft within the Military Land Use Notification Area surrounding Kings Bay Submarine Base.

2. No Person shall operate any Model Aircraft within the City of St. Marys in a manner that interferes with manned aircraft, and shall always give way to any manned aircraft.

3. No Person shall operate any Model Aircraft within the City of St. Marys beyond the visual line of sight of the person operating the Model Aircraft. The operator must use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to observe the Model Aircraft. People other than the operator may not be used in lieu of the operator for maintaining visual line of sight. Visual line of sight means that the operator has an unobstructed view of the Model Aircraft. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles or other devices designed to provide a “first-person view” from the model, do not constitute the visual line of sight of the person operating the Model Aircraft.

4. No Person shall operate any Model Aircraft within the City of St. Marys other than during daylight hours defined as between official sunrise and official sunset for local time.
 5. No Person shall operate any Model Aircraft within the City of St. Marys more than 400 feet above the earth's surface.
 6. Excluding takeoff and landing, no Person shall operate any Model Aircraft within the City of St. Marys over unprotected persons or moving vehicles, closer than 25 feet away from individuals and vulnerable property, ~~to any individual~~, except the operator or the operator's helper(s).
 7. No person shall operate any Model Aircraft within the City of St. Marys under the influence of drugs or alcohol.
 8. No person shall operate a Model Aircraft within the City of St. Marys within 5 miles of the airport without first contacting the airport manager.
 9. No person shall operate a Model Aircraft weighing over 55 pounds within the City of St. Marys.
 10. No person shall operate a Model Aircraft that has not been (the owner) registered with the FAA. As of Dec 21, 2015, the Federal Aviation Administration (FAA) requires ALL owners of small unmanned aircraft, or drones, between .55 pounds and 55pounds, be registered with the FAA at <http://www.faa.gov/uas/registration> . The aircraft being flown will be clearly marked with the owners FAA registration number.
- (c) The following shall apply to the operation of any Model Aircraft or Civil UAS within the City of St. Marys:
1. No Person shall operate any Model Aircraft or Civil UAS within the City of St. Marys in a manner that is prohibited by any federal statute or regulation governing aeronautics.
 2. No Person shall operate any Model Aircraft or Civil UAS within the City of St. Marys in violation of any temporary flight restriction (TFR) or notice to airmen (NOTAM) issued by the Federal Aviation Administration. TFR's may be found at <http://tfr.faa.gov/tfr2/list.html> , and NOTAMS's at http://faa.gov/air_traffic/publications/notices/ .
 3. No Person shall operate any Model Aircraft or Civil UAS within the City of St. Marys in a careless or reckless manner so as to endanger the life or property of another. The standard for what constitutes careless and reckless operation under this section shall be the same as the standard set forth in any federal statutes or regulations governing aeronautics including but not limited to Federal Aviation Rule 91.13.
- (d) It shall be unlawful for any Person to violate or fail to comply with this section. Any Person violating the provisions of this section shall be guilty of a misdemeanor and subject to the provisions of Subsection (m) of Section 11.00 of this Code.

(e) This section shall not apply to any Public UAS operated pursuant to, and in compliance with, the terms and conditions of any current and enforceable authorization granted by the Federal Aviation Administration.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of St. Marys or by posting for ten days in three public places in the City of St. Marys: one copy on the bulletin board located at the Osborne Street entrance to the St. Marys City Hall; one copy on the bulletin board located at the St. Marys Public Library; and one copy on the bulletin board located at the Camden County Court House.

I hereby certify that this ordinance was passed by the Council of the City of St. Marys, at its meeting of _____.

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